

JOINT PUBLIC NOTICE

dated December 23, 2005

-between-

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

-and-

**S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405**

-and-

**S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
WATER QUALITY CERTIFICATION AND WETLANDS PROGRAMS SECTION
2600 Bull Street
Columbia, South Carolina 29201**

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) a revised permit application (P/N #2003-1T-016-P-C) has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

**SOUTH CAROLINA STATE PORTS AUTHORITY
C/O MR. JOE BRYANT
POST OFFICE BOX 22287
CHARLESTON, SOUTH CAROLINA 29413-2287**

for a permit to construct a marine cargo terminal and related infrastructure in and adjacent to the

COOPER RIVER AND SHIPYARD CREEK

located at the south end of the former Charleston Navy Base in the City of North Charleston, Charleston County (Latitude - 32.84045 N, Longitude - 79.93646 W).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the above mentioned offices until

12 O'CLOCK NOON, FRIDAY, 17 FEBRUARY 2006

from those interested in the activity and whose interests may be affected by the proposed work.

On March 7, 2003, the Corps issued a Public Notice advertising the proposed project. The Public Notice indicated that an Environmental Impact Statement (EIS) will be required to fully address the potential environmental consequences of developing a new marine container terminal. The Draft EIS that was released on October 21, 2005, included revisions to the proposed project that were submitted by the South Carolina State Ports Authority on September 21, 2005.

The revised project consists of increasing the length of the wharf and berthing area from 3,000 feet to 3,510 feet long to accommodate three modern container ships. The proposed modification recognizes

that the percentage of 1,000-foot long container ships calling at east coast ports will likely increase in the future. It does not alter the terminal capacity or the projections for the number of ships that will call at the proposed facility. However, it does increase the acreage of open waters that will be impacted to construct the proposed wharf (from 10.3 acres to 13.6 acres) and the total volume of dredged material that will be excavated to develop the berth and turning basin (from 4.7 million cubic yards to 5.3 million cubic yards).

Since the publication of the Draft EIS, a number of minor changes in the acreage of impacts have been identified and are reflected on the revised permit drawings. The acreage of open waters that would be dredged and backfilled has decreased from 54.5 acres to 53.7 acres, the acreage of berth and turning basin has increased from 88.1 acres to 88.3 acres, and the acreage of tidal marsh impacts increased from 10.4 acres to 10.5 acres.

Proposed Project

General Activities:

The proposed project includes the construction of container processing and support facilities, wharf and crane structures, navigational improvements, utilities, and road and rail access. Proposed support structures include office buildings, a truck interchange facility, maintenance buildings, a container freight station, an inspection station, and a security gatehouse.

Specific Activities:

In detail, construction of the proposed marine container terminal includes the following activities:

- Approximately 286.1 acres of port terminal development, which includes a 13.6-acre, 3,510 foot long wharf structure.
- Approximately 88.3 acres of turning basin and berth development.
- Disposal of dredged material in the existing upland dredged material disposal area on the south end of Daniel Island.

Impacts to Waters of the United States:

The development of the proposed port terminal would result in dredge and fill activities within waters of the U.S., which include impacts to 53.7 acres of open water and 10.5 acres of tidal marsh. In addition, the development of the turning basin and berthing area would result in the excavation of 88.3 acres of open water to a depth of -50 feet mean low water. These two activities will require the dredging of approximately 5.3 million cubic yards of material.

Other Considerations

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received or waived. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 166.1 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the

23 December 2005

National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the manatee (*Trichechus manatus*) and the northern right whale (*Eubaleana glacialis*) which are Federally endangered species may be present in the vicinity of the project area or offshore shipping lanes. However, it has been determined that the proposed project is not likely to have an effect on these species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

The District Engineer has determined that additional information is required on the presence or absence of historic properties included, or eligible for inclusion in, the National Register of Historic Places. The impacts of the proposed activity on archaeological, scientific, prehistoric, cultural, or historic properties or items will be further evaluated based on the findings of the EIS, in accordance with Section 106 of the National Historic Preservation Act.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity and its intended use on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. The benefits that may reasonably be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

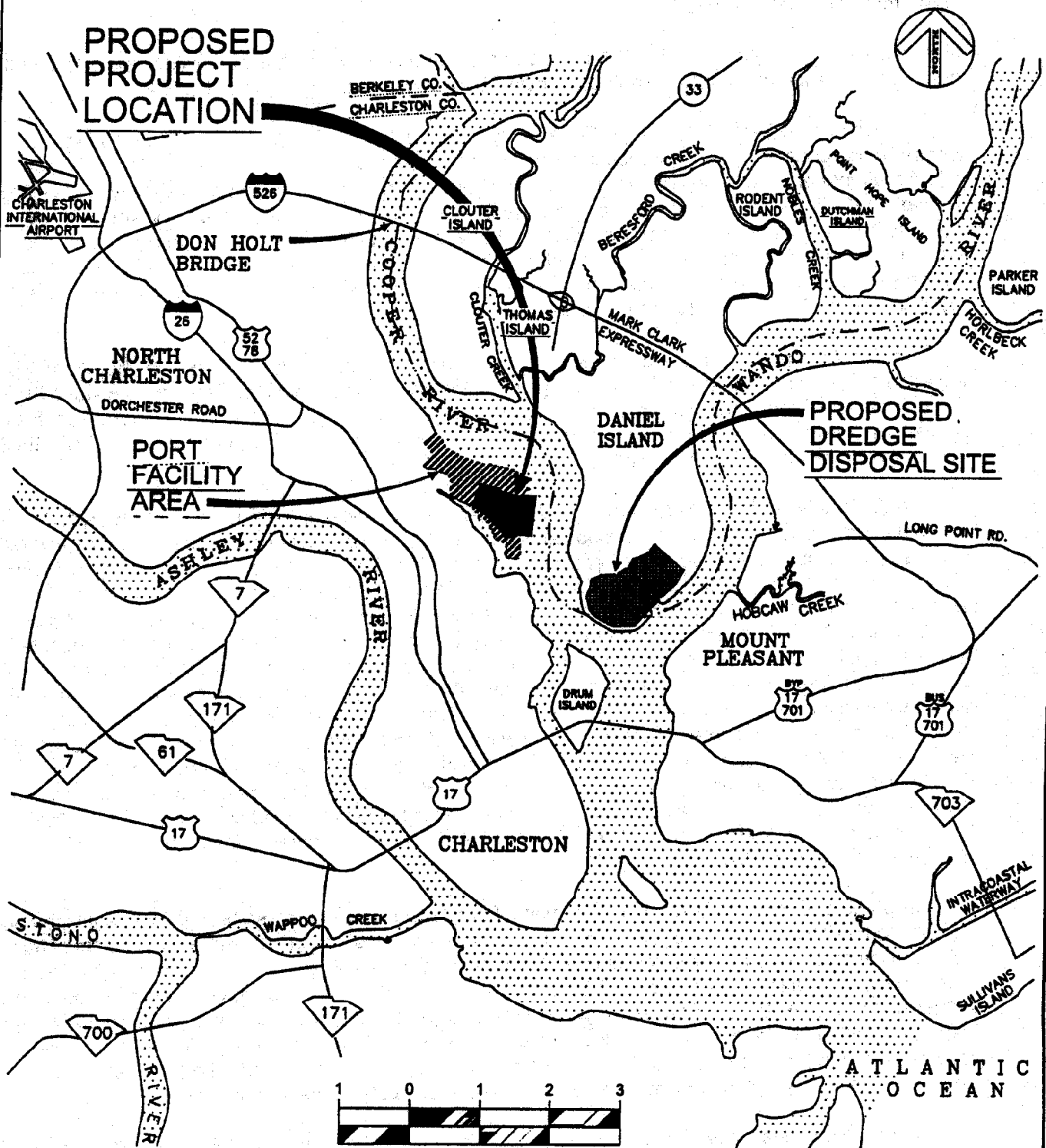
The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on wetlands, navigation, general environmental concerns (such as endangered species), historic properties, water quality, and the other public interest factors listed above. Comments will be considered in the preparation of an Environmental Impact Statement pursuant to the National Environmental Policy Act, as well as to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Nathaniel Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

PROPOSED PROJECT LOCATION



SCALE IN MILES

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PROJECT NO.: MSC02E028
FILE NAME: CNBPA1A4

PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

P/N # 2003-1T-016-PC

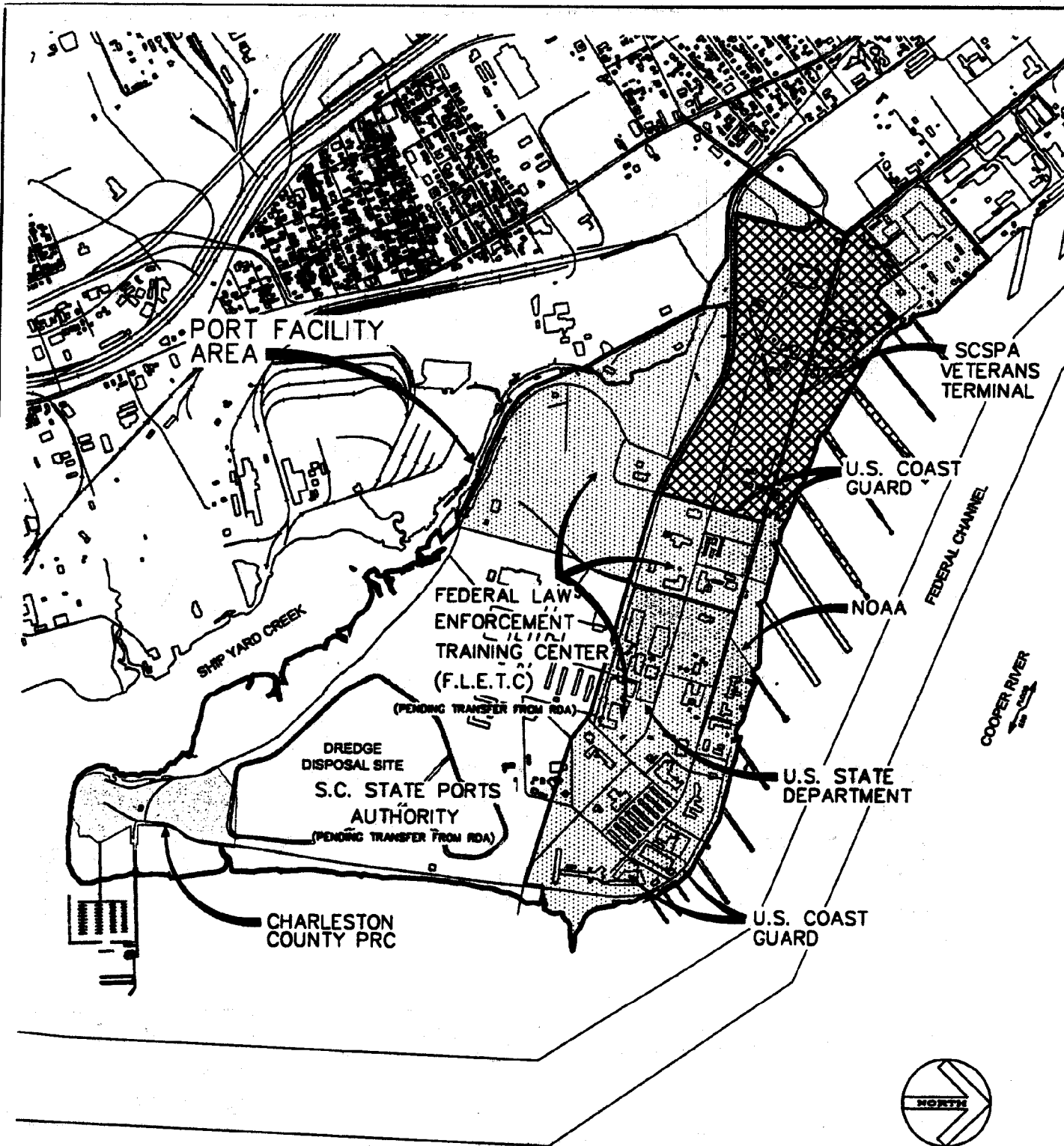
PROJECT LOCATION

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON, SOUTH CAROLINA
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY

APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 1 OF 9 DATE: DECEMBER 20, 2005



PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO PLAN

P/N # 2003-1T-016-PC

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

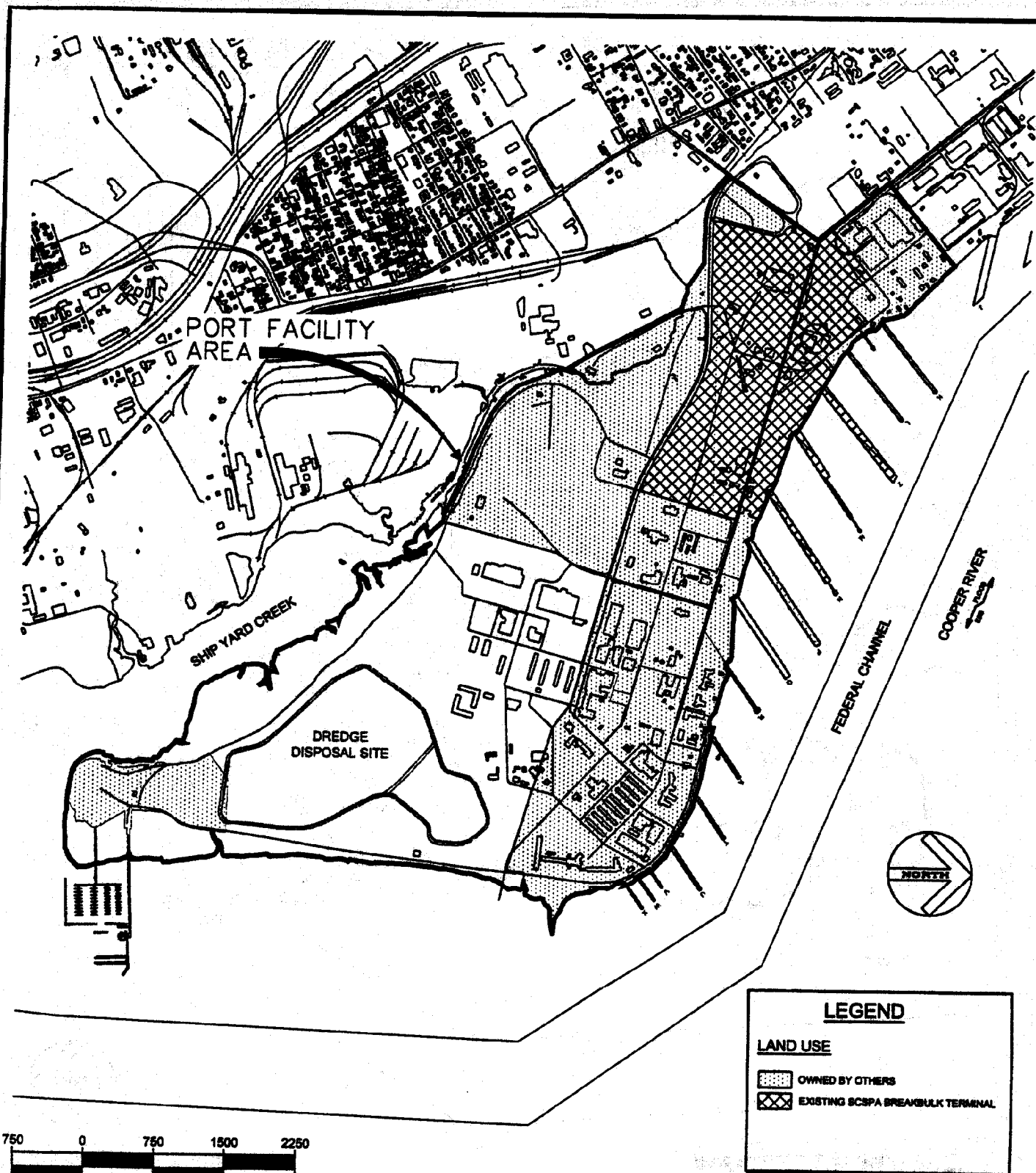
PROPERTY OWNERS

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROJECT NO. : MSC02E028
FILE NAME : CNBP2A4

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 2 OF 9 **DATE:** DECEMBER 20, 2005



LEGEND

LAND USE

OWNED BY OTHERS
 EXISTING SCSPA BREAKBULK TERMINAL

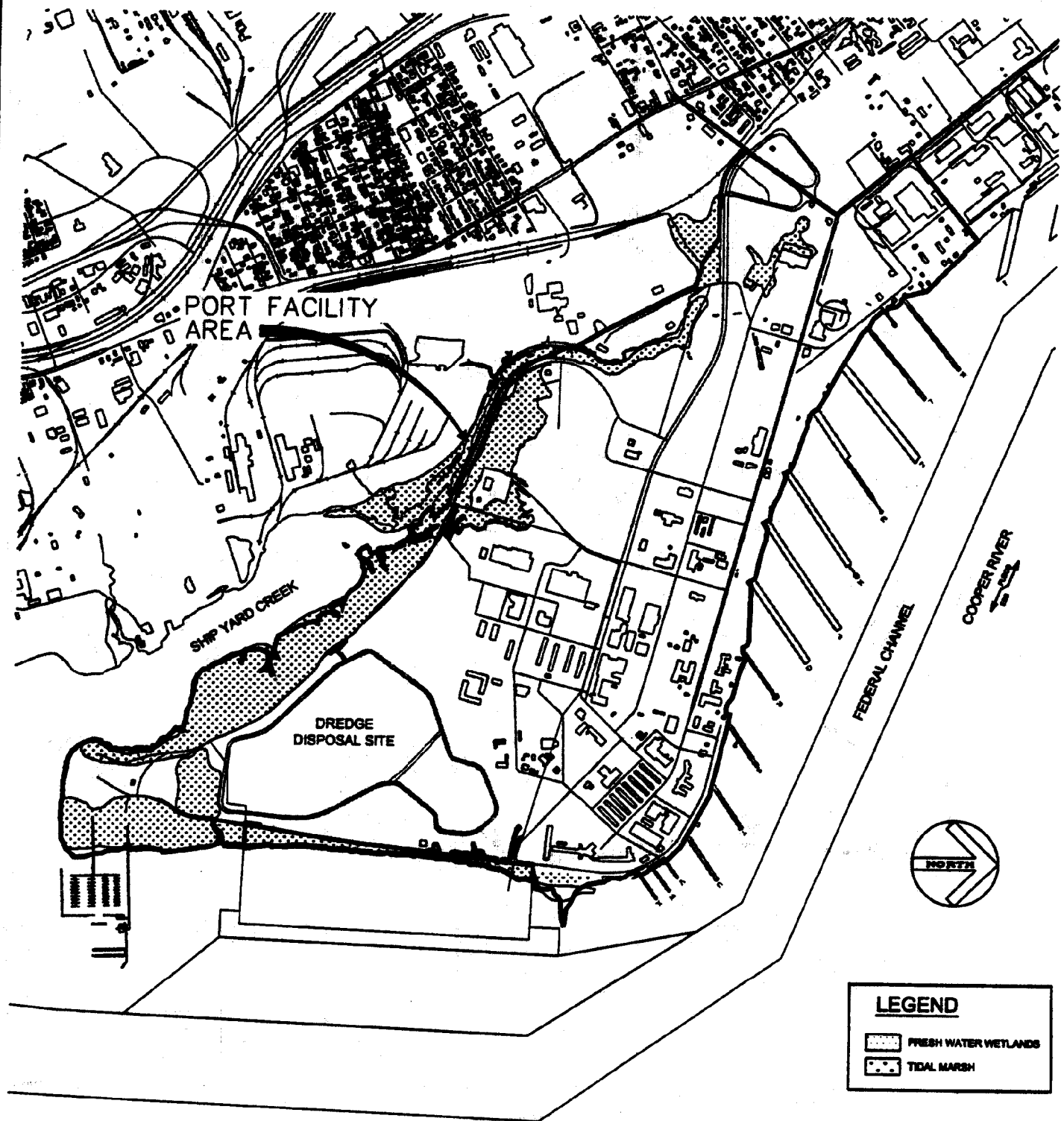
PROJECT NO. : MSC02E028
 FILE NAME : CNBPA344

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PURPOSE: ADDITIONAL CONTAINER HANDLING
 CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
 REFER TO SHEET 2 OF 9
 P/N # 2003-1T-016-PC

EXISTING CONDITIONS
 (LAND USE)
 South Carolina State **PORTS AUTHORITY**
 176 CONCORD STREET
 P.O. BOX 22287
 CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL
IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
 CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 3 OF 9 **DATE:** DECEMBER 20, 2005



LEGEND

- FRESH WATER WETLANDS
- TIDAL MARSH



PROJECT NO.: MSC02E028
FILE NAME: CNBP444

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

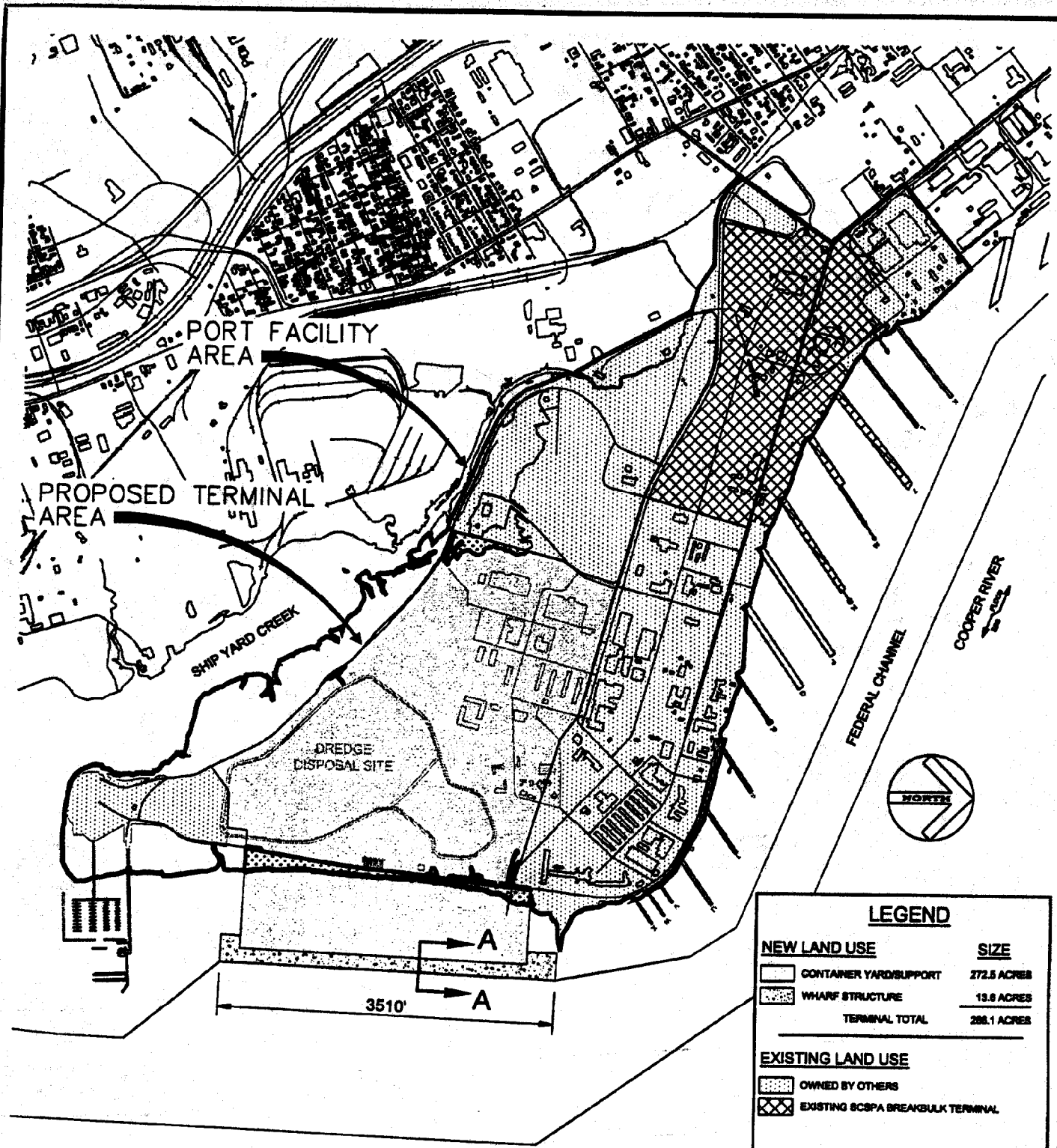
P/N # 2003-1T-016-PC

EXISTING CONDITIONS (WETLANDS)

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 4 OF 9 **DATE:** DECEMBER 20, 2005



LEGEND

NEW LAND USE	SIZE
CONTAINER YARD/SUPPORT	272.5 ACRES
WHARF STRUCTURE	13.6 ACRES
TERMINAL TOTAL	286.1 ACRES

EXISTING LAND USE

OWNED BY OTHERS
EXISTING SCSPA BREAKBULK TERMINAL

PROJECT NO. : MSC02E028
FILE NAME : CNBPAS44

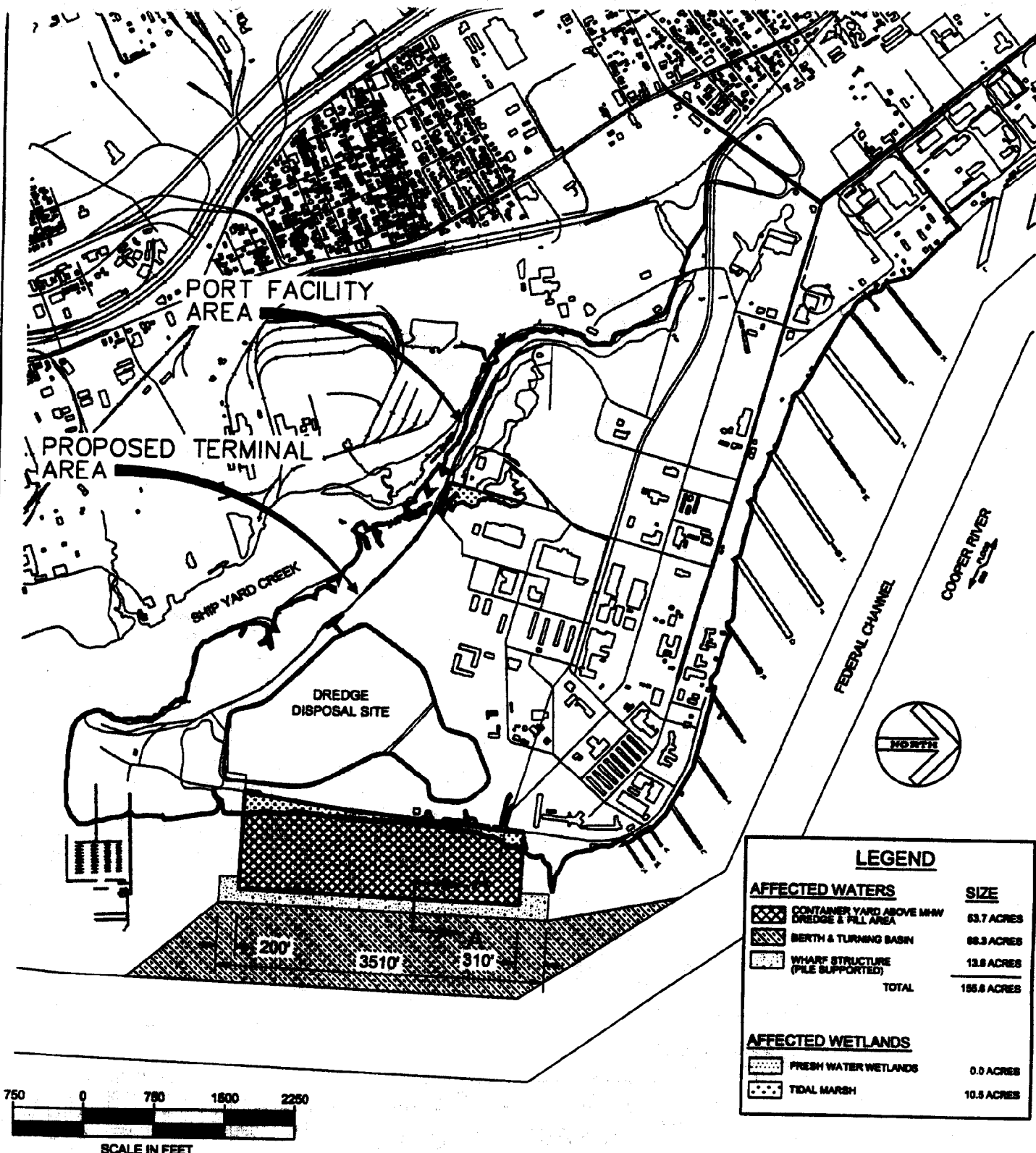
PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

P/N # 2003-1T-016-PC

NEW CONDITIONS
(LAND USE)
South Carolina State PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL
IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 5 OF 9 **DATE:** DECEMBER 20, 2005



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SCALE IN FEET

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PROJECT NO. : MSC02E028
FILE NAME : CNBPAS44

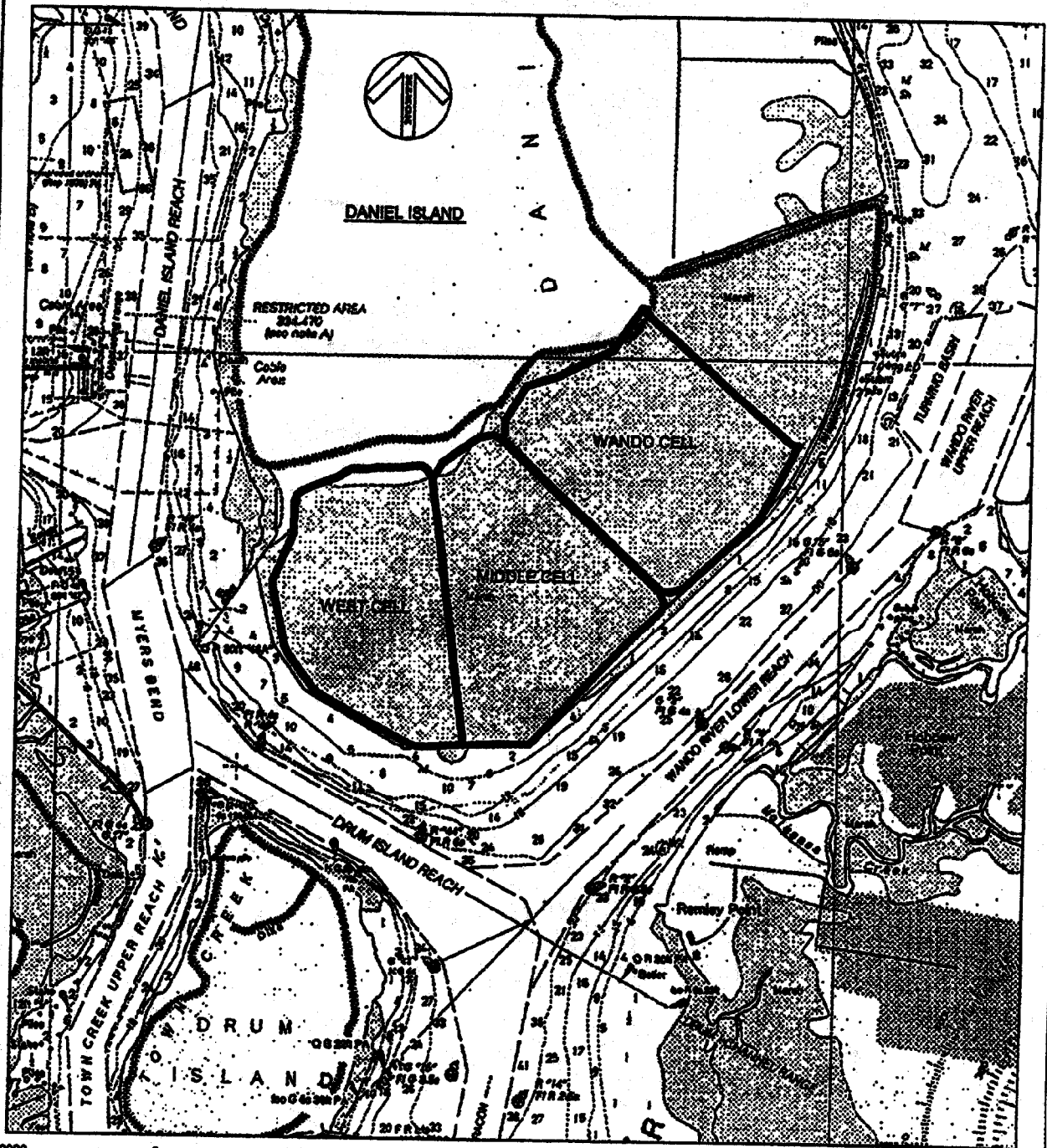
PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

P/N # 2003-1T-016-PC

NEW CONDITIONS
(AFFECTED WATERS & WETLANDS)
South Carolina State PORTS AUTHORITY
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 6 OF 9 **DATE:** DECEMBER 20, 2005



2000 0 2000
SCALE IN FEET

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PROJECT NO.: MSC02E028
FILE NAME: CNBPAT44

PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

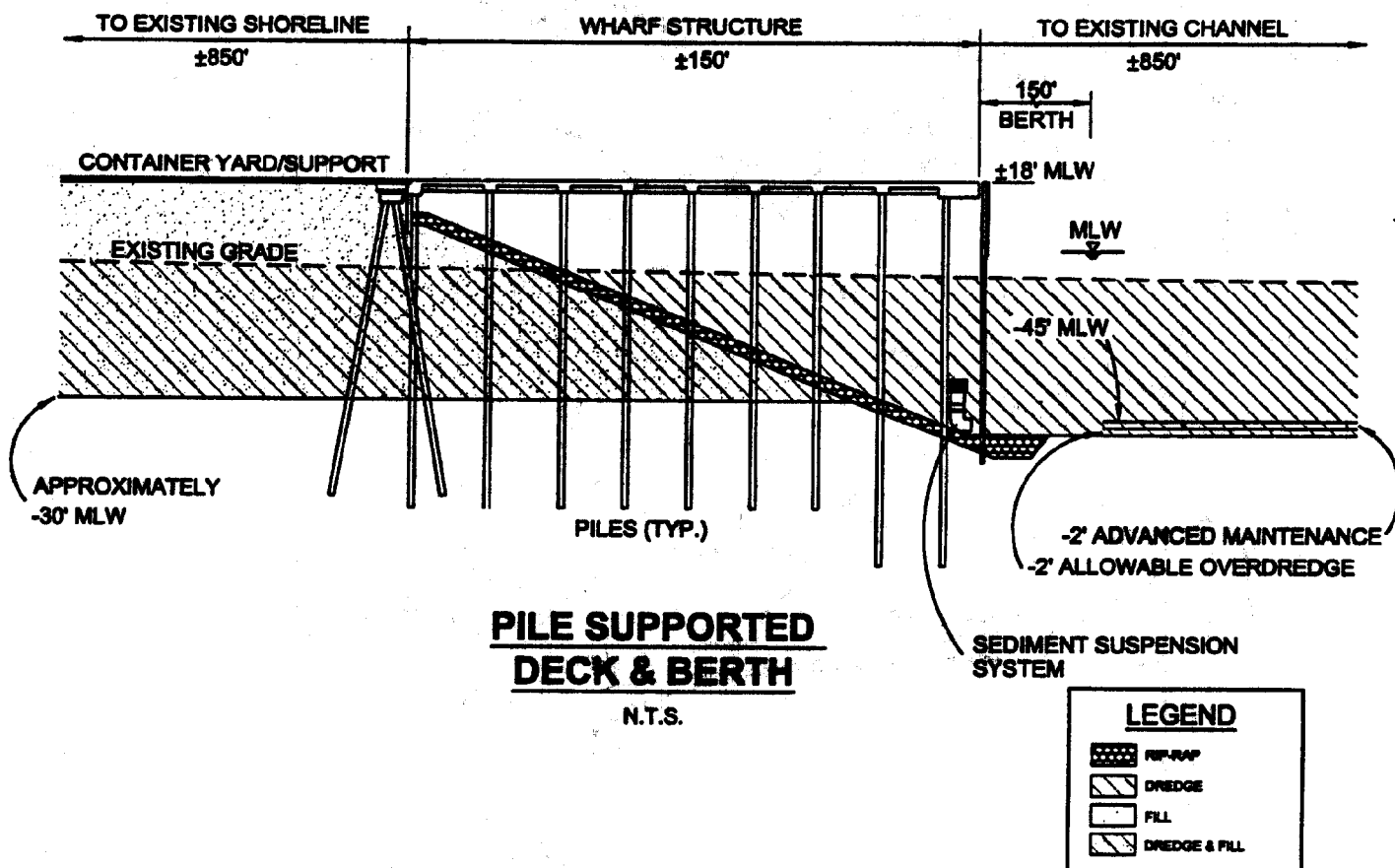
P/N # 2003-1T-016-PC

DREDGE DISPOSAL SITE

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 7 OF 9 **DATE:** JANUARY 28, 2005



PROJECT NO. : MSC02E028
FILE NAME : CNBPA8M

PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: CHARLESTON LOW WATER (MLW)
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

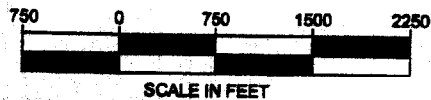
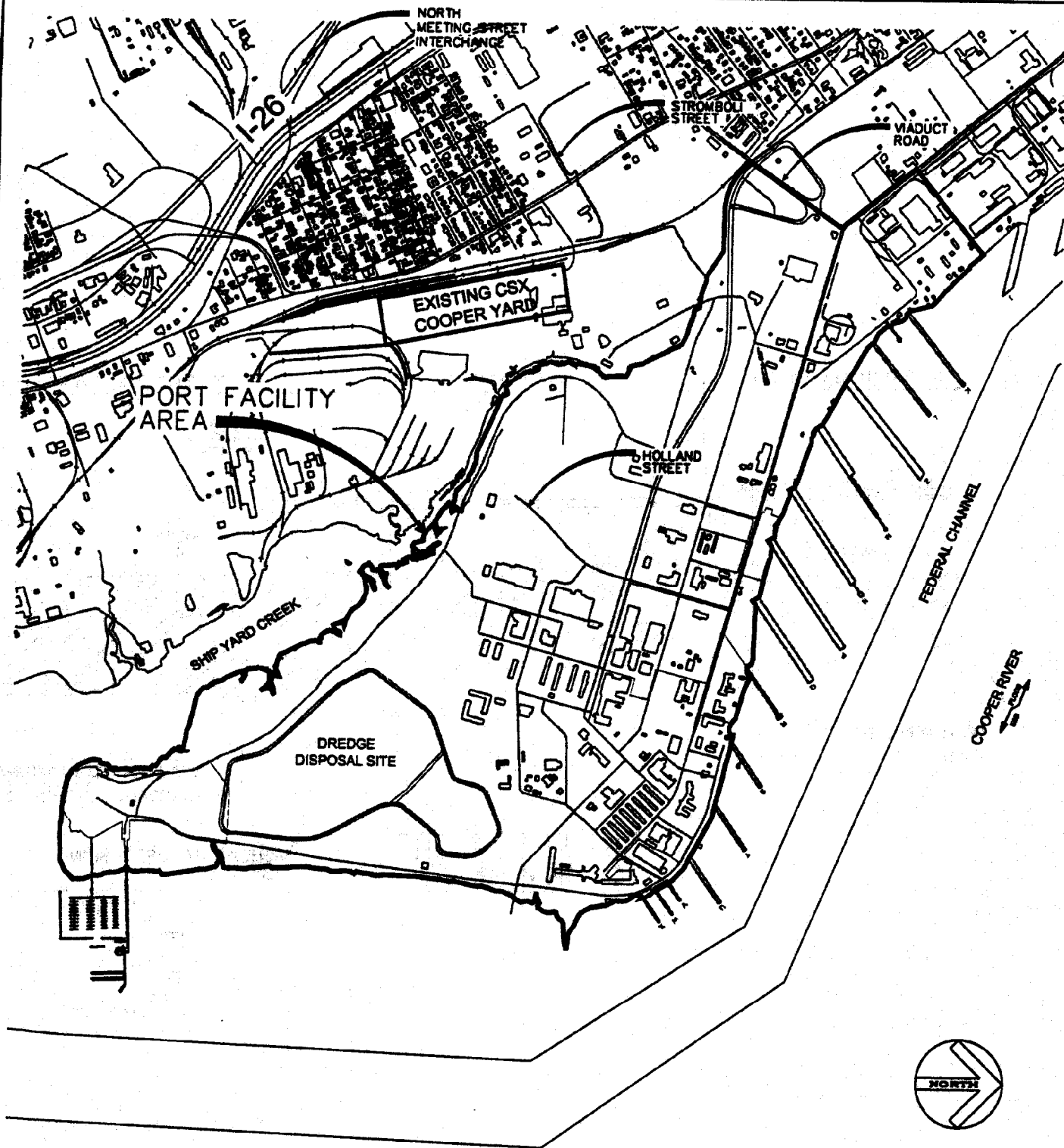
P/N # 2003-1T-016-PC

SECTION A - A

South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 8 OF 9 DATE: DECEMBER 20, 2005



PERMIT APPLICATION AMENDMENT NO. 4 12/20/05

PROJECT NO.: MSC02E028
FILE NAME: CNBP8944

PURPOSE: ADDITIONAL CONTAINER HANDLING
CAPACITY FOR FUTURE GROWTH
DATUM: S.C. STATE PLANE COORDINATES
ADJACENT PROPERTY OWNERS:
REFER TO SHEET 2 OF 9

P/N # 2003-1T-016-PC

**POTENTIAL
ACCESS CORRIDORS**
South Carolina State **PORTS AUTHORITY**
176 CONCORD STREET
P.O. BOX 22287
CHARLESTON, S.C. 29413-2287

PROPOSED: NEW CONTAINER TERMINAL

IN: NORTH CHARLESTON
AT: FORMER CHARLESTON NAVAL BASE
CHARLESTON COUNTY, SOUTH CAROLINA
APPLICATION BY: SC STATE PORTS AUTHORITY
SHEET: 9 OF 9 **DATE:** DECEMBER 20, 2005